

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STANLEY CHARLES,

Plaintiff,

v.

MEMORANDUM & ORDER
12-CV-1341 (MKB)

GEORGEANNA GILLISON and
ALEX RODRIGUEZ,

Defendants.

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MARGO K. BRODIE, United States District Judge:

Plaintiff filed this personal injury action on March 19, 2012 pursuant to the Federal Tort Claims Act against the United States Department of Justice, the United States Marshals Service, Sandy Rao, Georgeanna Gillison and Alex Rodriguez. (Docket Entry No. 1.) By Amended Complaint filed on July 25, 2012, Plaintiff substituted the United States of America for the United States Department of Justice, the United States Marshals Service and Sandy Rao. (Docket Entry No. 7.) By stipulation of dismissal dated May 13, 2013, Plaintiff dismissed his claim against the United States. (Docket Entry No. 21.) By Order dated May 14, 2013, Chief Magistrate Judge Steven Gold directed Plaintiff to submit a status report of his claims against Defendants Gillison and Rodriguez by May 24, 2013. (May 14, 2013 Status Report Order.) Plaintiff did not respond. Judge Gold issued a second Order on May 29, 2013, directing Plaintiff to file a status report by June 3, 2013, and warned Plaintiff that failure to comply with the Order “will result in a recommendation to the District Court that this case be dismissed for failure to prosecute.” (May 29, 2013 Status Report Order.) Plaintiff did not respond to Judge Gold’s Order. By Report and Recommendation (“R&R”) dated June 4, 2013, Judge Gold recommended

that the Court dismiss with prejudice all remaining claims in this action for failure to prosecute. (Docket Entry No. 22.) No objections were filed.

A district court reviewing a magistrate judge's recommended ruling "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "Failure to object to a magistrate judge's report and recommendation within the prescribed time limit 'may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.'" *Sepe v. New York State Ins. Fund*, 466 F. App'x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); see also *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) ("[A] party waives appellate review of a decision in a magistrate judge's Report and Recommendation if the party fails to file timely objections designating the particular issue.").

This Court has reviewed the unopposed R&R, and, finding no clear error, the Court adopts Judge Gold's R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Court dismisses the Amended Complaint, with prejudice, for failure to prosecute. The Clerk of Court is directed to close this case.

SO ORDERED:

/S MKB
MARGO K. BRODIE
United States District Judge

Dated: June 25, 2013
Brooklyn, New York